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2 District of Nevada  
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6 Attorney for:  
7 ANDREW JOHN GIBSON

8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 ANDREW JOHN GIBSON ,

14 Defendant.  
15

Case No.: 2:14-CR-287-KJD-CWH

**STIPULATION TO CONTINUE**  
**MOTION DEADLINES AND**  
**TRIAL DATES**  
(Third Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United  
17 States Attorney, and Lisa Cartier-Giroux, Assistant United States Attorney, counsel for the United  
18 States of America, and Rene L. Valladares, Federal Public Defender, and PAUL RIDDLE, Assistant  
19 Federal Public Defender, counsel for ANDREW JOHN GIBSON, that the calendar call currently  
20 scheduled for Tuesday, June 9, 2015 at 9:00 a.m., and the trial scheduled for Monday, June 15, 2015  
21 at 9:00 a.m., be vacated and set to a date and time convenient to this court but no sooner than sixty  
22 (60) days.

23 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to and  
24 including July 6, 2015, by the hour of 4:00 p.m., within which to file any and all pretrial motions and  
25 notices of defense.

26 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall  
27 have to and including July 20, 2015, by the hour of 4:00 p.m., within which to file any and all  
28 responsive pleadings.

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall  
2 have to and including July 27, 2015, by the hour of 4:00 p.m., within which to file any and all replies  
3 to dispositive motions.

4 This Stipulation is entered into for the following reasons:

- 5 1. The client is in custody but does not oppose the continuance.
- 6 2. Since the filing of the previous stipulation, the parties have continued diligently in  
7 trial preparation, as well as negotiations which might obviate the need for trial. Additional time is  
8 needed to finalize the details.
- 9 3. The additional time requested herein is not sought for purposes of delay, but merely  
10 to allow counsel for the defendant sufficient time to complete the necessary research, prepare and  
11 submit appropriate pretrial motions, or complete the process of a negotiated resolution.
- 12 4. Denial of this request for continuance would deny counsel for the defendant sufficient  
13 time to effectively and thoroughly complete the negotiations process or prepare and submit pretrial  
14 motions and notices of defense, taking into account the exercise of due diligence.
- 15 5. Additionally, denial of this request for continuance could result in a miscarriage of  
16 justice. The additional time requested by this Stipulation is excludable in computing the time within  
17 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States  
18 Code, § 3161(h)(1)(D) and Title 18, United States Code, § 3161(h)(7)(A), considering the factors  
19 under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).
- 20 6. This is the Third stipulation to continue filed herein.

21 DATED: June 5, 2015

22  
23 RENE L. VALLADARES  
Federal Public Defender

DANIEL G. BOGDEN  
United States Attorney

24  
25 By: /s/ Paul Riddle  
PAUL RIDDLE,  
26 Assistant Federal Public Defender

By: /s/ Lisa Cartier-Giroux  
LISA CARTIER-GIROUX,  
Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANDREW JOHN GIBSON ,

Defendant.

Case No.: 2:14-CR-287-KJD-CWH

FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The client is in custody but does not oppose the continuance.
2. Since the filing of the previous stipulation, the parties have continued diligently in trial preparation, as well as negotiations which might obviate the need for trial. Additional time is needed to finalize the details.
3. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for the defendant sufficient time to complete the necessary research, prepare and submit appropriate pretrial motions, or complete the process of a negotiated resolution.
4. Denial of this request for continuance would deny counsel for the defendant sufficient time to effectively and thoroughly complete the negotiations process or prepare and submit pretrial motions and notices of defense, taking into account the exercise of due diligence.
5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, § 3161(h)(1)(D) and Title 18, United States Code, § 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).
6. This is the Third stipulation to continue filed herein.

1 For all of the above-stated reasons, the ends of justice would best be served by a continuance  
2 of the motion and trial dates.

### 3 CONCLUSIONS OF LAW

4 The ends of justice served by granting said continuance outweigh the best interest  
5 of the public and the defendant in a speedy trial, since the failure to grant said continuance would  
6 be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the  
7 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into  
8 account the exercise of due diligence.

9 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United  
10 States Code, §§ 3161(h)(1)(A), 3161(h)(7) and Title 18 United States Code, § 3161 (h)(7)(A),  
11 when considering the facts under Title 18, United States Code, §§ 3161(h)(7)(B) and  
12 3161(h)(7)(B)(iv).

### 13 ORDER

14 IT IS THEREFORE ORDERED, that the parties herein shall have to and including  
15 July 6, 2015, by the hour of 4:00 p.m., within which to file any and all pretrial motions and notices  
16 of defense.

17 IT IS FURTHER ORDERED, by and between the parties, that they shall have to and  
18 including July 20, 2015, by the hour of 4:00 p.m., within which to file any and all responsive  
19 pleadings.

20 IT IS FURTHER ORDERED, by and between the parties, that they shall have to and  
21 including July 27, 2015, by the hour of 4:00 p.m., within which to file any and all replies to  
22 dispositive motions.

23 IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed  
24 jury instructions, and a list of the Government's prospective witnesses must be submitted to the  
25 Court by the 8th day of \_\_\_\_ September, 2015, by the hour of 4:00 p.m.

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1 IT IS FURTHER ORDERED that the calendar call currently scheduled for  
2 Tuesday, June 9, 2015 at 9:00 a.m., be vacated and continued to  
3 September 8, 2015 at the hour of 9:00 am  
4 and the trial currently scheduled for Monday, June 15, 2015 at 9:00 a.m., be vacated and continued  
5 to September 14, 2015 at the hour of 9:00 am  
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7 DATED 9th day of June, 2015.

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10 UNITED STATES DISTRICT JUDGE  
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